

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

707I0298

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 33** - 01/29/2003

Introduced by: The Committee on Commerce at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to telemarketing.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 37-30A-8 be amended to read as follows:

4 37-30A-8. The provisions of this chapter do not apply to a transaction:

5 (1) Made by a merchant who operates an established business that has a fixed permanent
6 location~~and~~, who displays or offers consumer goods or services for sale on a
7 continuing basis, and who makes less than two hundred unsolicited consumer
8 telephone calls per year;

9 (2) In which the business establishment making the solicitation is establishing a
10 business-to-business relationship or has a clear, preexisting business relationship with
11 the consumer, if that relationship resulted in the consumer becoming aware of the full
12 name, business address, and telephone number of the establishment;

13 (3) In which the consumer purchases goods or services pursuant to an examination of a
14 television, radio, or print advertisement or a sample, brochure, catalog, or other
15 mailing material of the telemarketer that contains:



- 1 (a) The name, address, and telephone number of the telemarketer;
- 2 (b) A full description of the goods or services being sold along with a list of all
- 3 prices or fees being requested, including any handling, shipping, sales tax, or
- 4 delivery charges; and
- 5 (c) Any limitations or restrictions that apply to the offer.